

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937**

**CrI.MC.No. 5355 of 2015 ()**  
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**CrI.MC 3207/2009 of HIGH COURT OF KERALA  
CC 198/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOLLAM  
=====**

**PETITIONER/ACCUSED:**  
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**DINESH, AGED 50 YEARS, S/O. VIBHEESHANAN  
SARADA BHAVAN, THEKKEVILA CHERRY  
MUNDAKKAL VILLAGE, KOLLAM - 691 016.**

**BY ADVS.SRI.SHABU SREEDHARAN  
SRI.T.S.PRASANNAKUMAR  
SRI.K.V.PREMSANKAR  
SRI.S.VIJAYAN  
SMT.RESHMA ABDUL RASHEED**

**RESPONDENTS/STATE & DEFACTO COMPLAINANT:**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. RAVEENDRAN  
S/O.SIVARAMAKRISHNA PILLAI, PUTHENPURA HOUSE  
NADUVILAKKARA CHERRY, MAYYANAD VILLAGE  
KOLLAM - 691 589.**

**R1 BY PUBLIC PROSECUTOR REMA R.**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 03-09-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS**  
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- A1 - THE CERTIFIED COPY OF THE FIR WITH THE FIS DT. 23.4.2008.**
- A2 - THE TRUE COPY OF THE ADDITIONAL STATEMENT OF THE 2ND RESPONDENT DT. 25.4.2008.**
- A3 - THE TRUE COPY OF THE REPORT PUBLISHED IN THE MALAYALA MANORAMA DAILY DT. 26.4.2008.**
- A4 - THE CERTIFIED COPY OF THE CHARGE SHEET DT. 30.5.2008**
- A5 - THE TRUE COPY OF THE ORDER IN CRL.MC NO. 3207/2009 DT. 27.10.2009.**
- A6 - THE AFFIDAVIT OF THE 2ND RESPONDENT DT. 10.8.2015.**
- A7- COPY OF THE ORDER IN CrI.M.P.No.62/2010 IN SC No.1046/2009 DATED 11.02.2011 OF THE ASST. SESSIONS COURT-I, KOLLAM**

**RESPONDENTS' EXHIBITS**  
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**NIL**

**TRUE COPY**

**P.A. TO JUDGE**

**SD**

P. UBAID, J.

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Crl.M.C.No.5355 of 2015  
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Dated this the 3<sup>rd</sup> day of September, 2015

O R D E R

A prosecution involving the offence under Section 354 IPC is sought to be quashed on the ground of amicable settlement of the whole dispute out of court. The petitioner is the accused in C.C.No.198/2011 of the Judicial First Class Magistrate Court-II, Kollam. Crime in this case was originally registered by the police under Section 354 IPC, and after investigation police submitted final report under Section 376 read with Section 511 IPC before the learned Magistrate. In view of the allegation of attempted rape the learned Magistrate initiated committal proceedings, and committed the case to the Court of Session, where it was filed as S.C.No.1046/2009. When the case came up for framing charge the learned Assistant Sessions Judge, Kollam found that the case involves only the offence under Section 354 IPC, and that there is nothing to constitute the offence of attempt for rape. Accordingly, the case came back before the learned Magistrate. The victim of offence is a girl now aged 15 years. The incident

happened in 2008 when she was aged only 8 years. The complaint was filed by the victim's father, Raveendran. He is the 2<sup>nd</sup> respondent in this proceeding brought under Section 482 Cr.P.C.

2. The 2<sup>nd</sup> respondent has filed affidavit to the effect that the whole dispute stands settled in the best interest of his minor daughter, and that she has no grievance or complaint now. As directed by the court, the parties including the victim appeared before the court, and submitted that the whole dispute stands amicably settled. The victim is now aged 15 years and she submitted, on interaction, that she is not interested in prosecuting the matter. I find that if she is exposed to a trial process on the allegations, it will definitely cause some embarrassment to her, and it may even affect her studies. I am well satisfied that the parties have come to terms and the complainant thought of a settlement in the best interest of the daughter, who is now perusing her studies.

In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash prosecution; be it at the crime stage or at

the trial stage or even at the appellate or revision stage; if the parties have really settled the whole dispute out of court, and if the case does not involve any public interest or public issue. Here is such a case which does not involve any public issue, and I am well satisfied that there is a real settlement between the parties. I am well satisfied that the parties are now on quite cordial terms, and the complainant or his daughter has no grievance or complaint now.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.198/2011 of the Judicial First Class Magistrate Court-II, Kollam will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

P. UBAID, JUDGE

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